



UNITED STATES PATENT AND TRADEMARK OFFICE

MN
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,251	09/26/2003	Jeyhan Karaoguz	14337US02	8832
23446 7590 07/26/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER LONG, ANDREA NATAE	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,251	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	Andrea N. Long	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Response

Claims 1-3, 5, 7, 9, 11, 13-15, 17, and 22-25 have been amended. Claims 1-27 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jason M. Nash (PG Publication US 2001/0021994 A1), hereinafter “Nash”.**

As to independent claim 21, Nash teaches a method of operating a system supporting the automatic selection of media according to a user profile (page 1 paragraphs [0004] [0020]), the method comprising: receiving a user profile from a user; automatically selecting media according to the user profile (page 2 paragraph [0019]); communicating to the user information identifying the media (page 2 paragraph [0019], transmitting apparatus; receiving a request from the user for at least a portion of the identified media (page 2 paragraph [0019], receiving device); and coordinating the delivery of at least a portion of the identified media from a source to the user for consumption (page 2 paragraph [0019]).

As to **dependent claim 22**, Nash teaches wherein the user profile comprises at one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and user selected media (page 2 paragraph [0019]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. ^{1-20, 23-27 WJB} Claims ~~1-25~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason M. Nash (PG Publication US 2001/0021994 A1) in view of Bin Lu (US Patent 7065778 B1), hereinafter "Lu".

As to **independent claim 1**, Nash discloses a system supporting the automatic selection of media (advertisements) according to a user profile (page 1 paragraphs [0004] [0020]), the system comprising:

a television display to support the consumption of media (page 1 paragraph [0020]);

a user interface accessible via the television display, the user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4);

a storage (memory) that stores media (page 1 paragraph [0005]), the storage communicatively coupled to the television display (Figure 1). Nash also teaches a user identifier (page 3 paragraph [0024]).

However, Nash does not teach the storage having an associated network address and server software that receives a request identifying one or both of the associated network address and/or a user identifier, and responds by automatically selecting media according to a user profile, the user profile corresponding to at one or both of the associated network address and/or a user identifier, and delivering to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Lu teaches server software (Figure 3 reference character 304, EPG Server) that receives a request identifying at least one of the associated network address and delivering to the storage (column 10 lines 5-22), via a communication network (Internet, Figure 3 reference character 302), information identifying the selected media (column 10 lines 10-15).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the selection of media according to a user profile of Nash with the system of providing media from remote location to a viewer of Lu to enable television viewers to receive desired television programming which is broadcast in remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to dependent claim 2, Lu teaches wherein the associated network address is one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN) (column 10 lines 10-15, IP address).

As to dependent claim 3, Lu teaches wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (column 7 lines 1-8).

As to dependent claim 4, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to dependent claim 5, Lu teaches wherein the selected media comprises one or more of audio, a still image, video, and/or data (column 7 lines 25-28).

As to dependent claim 6, Lu teaches wherein the selected media comprises real-time video (column 6 lines 50-53, column 7 lines 25-28).

As to dependent claim 7, Li teaches wherein consumption comprises one of playing audio, displaying a still image, displaying video, and/or displaying data (column 7 lines 25-28).

As to dependent claim 8, Nash teaches wherein the user profile corresponds to an individual user (page 3 paragraph [0024]).

As to dependent claim 9, Nash teaches wherein the user profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or a media selection (page 2 paragraph [0019], monitoring viewing habits).

As to independent claim 10, Nash teaches a system supporting the automatic selection of media according to a user profile (page 1 paragraphs [0004] [0020]), the system comprising: a user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4); and a storage (memory) that stores media (page 1 paragraph [0005]). Nash does not teach the storage having an associated network address; and server software that automatically selects media according to a user profile, and delivers to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Lu teaches storage having an associated network address (column 10 lines 5-22), delivering media to the storage via a communication network ((Internet, Figure 3 reference character 302), information identifying the selected media (column 10 lines 10-15).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the selection of media according to a user profile of Nash with the system of providing media from remote location to a viewer of Lu to enable television viewers to receive

Art Unit: 2176

desired television programming which is broadcast in remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to dependent claim 11, Lu teaches wherein the media comprises one or more of audio, a still image, video, and/or data (column 7 lines 25-28).

As to dependent claim 12, Lu teaches wherein the media comprises real-time video (column 6 lines 50-53, column 7 lines 25-28).

As to dependent claim 13, Lu teaches wherein the network address is one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN) (column 10 lines 10-15, IP address).

As to dependent claim 14, Lu teaches wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (column 7 lines 25-28).

As to dependent claim 15, wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (column 7 lines 1-8).

As to dependent claim 16, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to dependent claim 17, Nash teaches wherein the user profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or user selected media (page 2 paragraph [0019], monitoring viewing habits).

As to dependent claim 18, Lu teaches wherein the server software supports anonymous media exchange (column 6 lines 33-61).

As to dependent claim 19, Lu teaches wherein the server software coordinates the delivery of the selected media to the storage (column 6 lines 54-58).

As to dependent claim 20, Lu teaches wherein the server software is at a location separate from the storage (column 7 lines 20-24, Figure 3).

As to dependent claim 23, note the discussion above, Nash teaches the method claim 21. However Nash does not teach wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data. Lu teaches wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data (column 7 lines 25-28).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the details of the data of Lu to allow for diverse media and not to limit the display of media to the user.

As to dependent claim 24, note the discussion above, Nash teaches the method of claim 21. Nash does not teach wherein the consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data. Lu teaches wherein the consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (column 7 lines 25-28).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the details of the data of Lu to allow for diverse media and not to limit the display of media to the user.

As to dependent claim 25, note the discussion above, Nash teaches the method of claim 21. However, Nash does not teach wherein the delivery uses a communication network comprising one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure. Lu teaches wherein communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (column 7 lines 1-8).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the communication network of Lu to enable television viewers to receive desired television programming which is broadcast in remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to dependent claim 26, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to dependent claim 27, note the discussion above, Nash teaches the method of claim 21. Nash does not teach wherein the user is unknown to the source. Lu teaches wherein the user is unknown to the source (column 6 lines 33-61).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the flexibility of Lu to allow access to multiple sources without providing user information.

Response to Arguments

5. Applicant's arguments filed 05/09/2007 have been fully considered but they are not persuasive.

In regards to independent claims 21 and 22, the Applicant asserts that Nash does not teach or describe "Automatically Selecting Media According To The User Profile".

The Examiner respectfully disagrees. Nash teaches that advertisements can be presented to a user based on the user's viewing habits or with the details of the user's preference. The Applicant's assertion is that while Nash does teach selection/suggestion of an advertisement is based on information entered by a user and/or derived from his/her viewing habits, the suggestion/selection is ultimately determined by rating from independent reviewers. However, the claim language "automatically selecting media according to the user profile" does not limit the inclusion of additional selecting factors. It is therefore the participation of the user's profile which consists of the user inputs or viewing habits to which correspond to advertisements, can be presented accordingly.

The Applicant also asserts that Nash does not teach or describe "Receiving A Request From The User For At Least A Portion Of The Identified Media".

The Examiner respectfully disagrees. Nash discloses that a processor is arranged to select and/or suggest advertisement for the viewer to receive, which the selection and/or suggestion being based on information entered by a user and/or derived from monitoring the viewing habits of the user. The entering of data by the user is the request that is received by the processor for presenting advertisement. While the request may not be a conscious request by the user it is still a request due to the outcome/result of the data being entered by the user.

In regards to claims 1-9, the Applicant asserts that Nash in view of Lu does not establish a *Prima Facie* Case of Obviousness.

The Examiner respectfully disagrees. As discussed above Nash teaches the limitation of “automatic selection of media according to a user profile”. Nash does not teach the limitations of “storage having an associated network address and server software that receives a request identifying one or both of the associated network address and/or a user identifier, the user profile corresponding to at one or both of the associated network address and/or a user identifier, and delivering to the storage, via a communication network, information identifying the selected media”, the lack of this teaching is supported by Lu. Lu teaches server software that receives a request identifying the associated network address and identifying delivering to the storage via a communication network, information identifying the selected media. Lu states that a server that transmits instructions containing an IP address is sent to a television, which can be via the Internet, which identifies the requested television show. It is the combination of selecting media according to a user profile and information for incorporation into the user interface as described above of Nash with the server sending of an IP address of Lu that teaches the prior limitations.

In regards to claims 10-20, the following reasoning of teachings as that of claims 1-9 applies.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
07/09/2007

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER